

REMARKS

In the Advisory Action mailed on January 22, 2010, the rejection of claim 2 was maintained and all other claims were indicated to be allowable. Although Applicant does not agree with the position of the Advisory Action, claim 2 is amended herein to place it in its original form that was previously indicated to be allowable. This is done in an effort to expedite prosecution of the application. Claim 2 and all other claims are therefore now in allowable form.

By way of background, claim 2 was originally presented in the same form that it currently is amended to. In Amendment C (filed July 2009) claim 2 was amended to recite an upper concentration limit of 22 M, and argument was presented regarding the pending rejection of it (as well as to other claims). In the following Final Action mailed on November 10, 2009, all prior rejections were withdrawn. The Final Action alleged that the new upper concentration range of 22 M that claim 2 was amended to recite, however, was not supported by the specification and rejected claim 2 under §112.

The above amendment removes the upper concentration limit of 22 M, places claim 2 in its original form, and therefore has the effect of “removing” the amendment that was objected to in the Final Action. Claim 2 as amended is back in its original form which was indicated to be allowable in the November Final Action. All other claims have been allowed. It is noted that the above amendment is not directed to patentability and does not affect the scope of claim 2 as originally filed.

In conclusion, it is submitted that all claims in their present form are allowable. Timely issuance of a Notice of Allowance is respectfully requested. If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

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300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read 'Tom R. Fitzsimons', written over a horizontal line.

Thomas R. Fitzsimons
Registration No. 40,607